

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES ELLIS, SR.,

Plaintiff,

v.

DANIEL MOELLER,

Defendant.

Case No. 1:22-cv-00541-HBK (PC)

CLERK TO CLOSE CASE BASED UPON
PLAINTIFF'S VOLUNTARY DISMISSAL
UNDER FED. R. CIV. P. 41 (a)(1)(A)(i)

(Doc. No. 10)

On September 28, 2023, Plaintiff filed a notice titled "Notice to Courts of Plaintiff's Wishes to Voluntarily Dismiss this Action Without Prejudice Under Fed. R. Civ. P. 41 To Avoid Strike." (Doc. No. 10, "Notice"). The Notice, signed and dated by Plaintiff on September 22, 2023, states "Plaintiff chooses to voluntarily dismiss under Fed. R. Civ. P. 41 without prejudice..." (*Id.*). The Notice follows the Court's September 19, 2023, Screening Order. (Doc. No. 9). Because no defendant has been served and no answer nor motion for summary judgment has been filed, Plaintiff may voluntarily dismiss this action by operation of law without further order from the Court. Fed. R. Civ. P. 41(a)(1)(A)(i).

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1 ACCORDINGLY:

2 The Clerk of Court is directed to vacate all deadlines and CLOSE this case to reflect
3 Plaintiff's Notice of Voluntary Dismissal without prejudice consistent with Fed. R. Civ. P.
4 41(a)(1)(A)(i).

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6 Dated: September 29, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE